UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/447,351	11/22/1999	RONALD M. HUBERMAN	97573-U.S.	3718

			EXAMINER
23553	7590	09/08/2004	NGUYEN, VAN KIM T

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CANADA

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/447,351	HUBERMAN ET AL.
	Examiner	Art Unit
	Van Kim T. Nguyen	2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 June 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>3-9,11-14,16-26 and 28-32</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>3-9, 11-14, 16-26, 28, and 32</u> is/are rejected.

7)☒ Claim(s) <u>29-31</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

This Office Action is responsive to communications filed on June 22, 2004.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 3-9, 24-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ram et al (US 6,038,309), in view of Margulis et al (US 6,243,449).

2. Regarding claims 6 and 28, as shown in Figures 1-7, Ram discloses a call server (32, 33, 34, 36; column 5: lines 13-39, and column 8: lines 34-48) for use in association with a packet network (24) which transports calls between end systems (22) in a public switched telephone network (20). The packet network having interworking functionality to bi-directionally convert TDM signals and packets (cols. 6-7, esp. col. 6: lines 18-29), the call server having means to centrally control functionality within the packet network and TDM switches within the PSTN (col. 8: lines 34-48).

3. However, Ram does not call for means to detect a mass calling event in real time, regulate calling activity to dialed numbers for which a mass event has been detected; means to detect an end of a mass calling event and to cease regulation of calling activity upon detection of an end of a mass calling event.

4. As shown in Figures 1-3, Margulis teaches means for detecting a mass calling event in real time (cols. 1-9), regulate calling activity (blocked calls) to dialed numbers for which a mass event has been detected; means to detect an end of a mass calling event and to cease regulation

of calling activity upon detection of an end of a mass calling event (Margulis, cols 7-8, esp. col.

8: lines 53-63).

5.   Since it is highly desirable to be able to monitor data throughput in a multi-media

communication network, it would have been obvious to one of the ordinary skill in the art at the

time the invention was made to utilize Margulis' method of detecting and controlling mass

calling event in Ram's system for externally controlling call processing in order to avoid switch

congestion and optimize the use of system's resources.

Claim Rejections - 35 USC § 103

6.   Regarding claims 3-5 and 24-26, the combination of Ram and Margulis also discloses the

packet network is based on an ATM, or a Frame Relay, or an IP packet protocol, (column 5:

lines 21-24).

7.   Regarding claim 7, the combination of Ram and Margulis also discloses means to detect

the ratio of failed call events (IA) initiated to a call destination (Margulis, cols. 4-7, esp. col. 3:

line 65 – col. 5: line 46).

8.   Regarding claims 8-9, the combination of Ram and Margulis also discloses means to

convert (mapping) directory numbers (destination number) to un-translated dialed numbers

(terminating number) and to convert un-translated dialed numbers to directory numbers

(Margulis, col. 8-9); and having memory means for storing a directory number of a call

terminator (Margulis, col. 9: lines 5-12; Ram, col. 11, lines 23-28).

9.   As previously stated, since it is highly desirable to be able to monitor data throughput in a

multi-media communication network, it would have been obvious to one of the ordinary skill in

the art at the time the invention was made to utilize Margulis' method of detecting and

controlling mass calling event in Ram's system for externally controlling call processing in order to avoid switch congestion and optimize the use of the system's resources.

Claim Rejections - 35 USC § 103

10.   Claims 11-14, 17-22 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ram et al (US 6,038,309), in view of Margulis et al (US 6,243,449), and further in view of Milito (US 5,596,576).

11.   Regarding claims 11, 17, 20-22, and 32, the combination of Ram and Margulis discloses all the recited limitations as stated above, except means to assign credit tokens to a bucket on a timed basis; and means to determine whether the bucket has any current tokens whereby a determination that the bucket has no current tokens indicates the dialed number has experienced a mass calling event.

12.   As shown in Figures 1-6, Milito discloses a credit method and system for use in sharing of resources in a telecommunication system (col. 1: lines 10-59) comprising: periodically (on a timed basis) assigning credit tokens to a bucket; and means to determined whether the bucket has any current tokens, e.g., blocking a call (deny access) to dialed numbers (trunk, 3-port conference circuits and UTP) if there are no current credit tokens assigned to the bucket, and permitting the call (permit access) if there is at least one token (cols. 3-11, esp. col. 3: lines 45-62).

13.   Since it is highly desirable to be able to monitor and control data/voice throughput in a multi-media communication network, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Milito' method of monitoring and controlling

credit tokens in Ram and Margulis' telecommunications system, motivated by the desire to avoid

network congestion and optimize the use of the system's resources.

14.   Though the combination of Ram, Margulis, and Milito does not explicitly disclose the

bucket has no current tokens indicating the dialed number has experienced a mass calling event,

but as it is well known in the art, a contain of a bucket, i.e., numbers of tokens, is used to indicate

whether the network is available, thus it would have been obvious to one of ordinary skill in the

art at the time the invention was made to determine that when a bucket has no current tokens the

communication system is experiencing a heavy usage, i.e., a mass calling event.

Claim Rejections - 35 USC § 103

15.   Regarding claim 12, Milito also discloses a credit overflow threshold is provided

whereby no new credit tokens are assigned to the bucket when the threshold has been reached

(col. 7: lines 45-58).

16.   Regarding claim 13-14 and 18, Milito also discloses a credit bucket mechanism to set

an interval for issuing credit tokens to the bucket and a detector to determine if any credits are in

the bucket (cols. 8-9). Though Milito does not explicitly disclose a clock for establishing rate of

assigning tokens to the bucket, but since token is issued based on a set interval, it is inherent that

a clock is included in the credit bucket mechanism.

17.   Since it is highly desirable to be able to monitor and control data/voice throughput in a

multi-media communication network, it would have been obvious to one of the ordinary skill in

the art at the time the invention was made to utilize Milito' method of monitoring and controlling

credit tokens in Ram and Margulis' telecommunications system, motivated by the desire to avoid

network congestion and optimize the use of the system's resources.

18.   Regarding claim 19, though the combination of Ram, Margulis, and Milito does not

explicitly disclose the control system for use in a VOIP network, but since it can be used in both

packets and TDM environment, it would have been obvious to one of ordinary skill in the art at

the time the invention was made, the call server can be used in a VOIP network.

Allowable Subject Matter

19.   Claims 29-31 objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure: Elliot et al (US 6,614,781).

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Van Kim T. Nguyen whose telephone number is 571-272-3073.

The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kenneth Vanderpuye, can be reached on 571-272-3078. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

21.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

vkn

BRIAN NGUYEN
PRIMARY EXAMINER